

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Koskey, James Jr.

EXAMINER: Fastovsky, Leonid

SERIAL NO.: 10/825,639

GROUP: 3742

FILED: April 15, 2004

CASE NO.: KHI-0401

ENTITLED: Heated Pet Mat

Law Offices of Dale B. Halling
655 Southpointe Ct, Suite 100
Colorado Springs, CO 80906

September 3, 2008

Declaration Under 37 CFR 1.132

Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration

1. I, *Curt Olvey, Sr.*, am a buyer of pet products for UTM Distributing Co., Cincinnati, Ohio and have been in the pet products business for over 19 years. My experience includes ten years of procurement experience as a Contracting Officer for the United States Marine Corps and an additional 19 years with a leading wholesaler of pet products, UTM Distributing Co. I began my career with UTM as Purchasing Agent and have held other positions within my organization up to and including my current position of President, which I assumed in 2001. My duties as President include attending national pet product shows as both a buyer as well as an exhibitor, reviewing and screening new products for purchase and distribution by my company.

2. I have reviewed the patent application (10/825,639) entitled "Heated Pet Mat", invented by Jim Koskey and the prior art references Stanfield (5,371,340); Feibus (5,685,257); Hughes (US Pat. 6,256,257); Brigham (US Pat. 4,429,216); Rau et al (US Pat. 5,814,257); and Granfid (4788417).

3. Mr. Koskey's invention is embodied in the K&H manufacturing's "Igloo-Style Heated Pad™". The pet market had been looking for a heated pad for Igloo style dog houses for over ten years. There were and are numerous heated pet mats for dogs, but none of them worked well with Igloo doghouses. The reason that no one else developed and sold a heated pet mat for Igloo doghouses was due to the cost of manufacturing- a round heated mat was too cost prohibitive. Round heated pet mats were the obvious solution -since the floor of an igloo doghouse was round- but the cost of producing a round heated pet mat was too expensive. The K&H Igloo-Style Heated Pad solved this problem by having its characteristic "truncated semicircle" shape. This allowed the retail price of K&H Igloo-Style Heated Pad to be low enough to fit the needs of the market for an outdoor heating product. The K&H Igloo-Style Heated Pad is selling very well in our stores.

4. Stanfield is directed to a pad for hogs. It is square and would not in any way solve the problem Mr. Koskey solved with his invention of a truncated semicircle heated pet mat. As a layperson, skilled in this art, I cannot see how Stanfield is at all relevant to Mr. Koskey's invention.

5. Feibus is directed to a standard dog pillow that is absorbent, anti-static, lint-free, non-toxic and hypoallergenic. The pillow is square and would not in anyway solve the problem Mr. Koskey solved with his invention of a truncated semicircle heated pet mat. As a layperson, skilled in this art, I cannot see how Stanfield is at all relevant to Mr. Koskey's invention.

6. Hughes is directed to a heated message pillow. The pillow is square and would not in anyway solve the problem Mr. Koskey solved with his invention of a truncated semicircle heated pet mat. As a layperson, skilled in this art, I cannot see how Stanfield is at all relevant to Mr. Koskey's invention.

7. Brigham is directed to electrically conductive element. I do not see how this reference describes how to solve the problem of a heated pad for an igloo doghouse.

8. Rau describes a method of welding plastic. This does not solve the key problem that Mr. Koskey's invention is directed towards. As a layperson, skilled in this art, I cannot see how Stanfield is at all relevant to Mr. Koskey's invention.

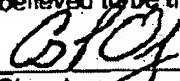
9. Grafind is directed to an electric heating pad. The pad is square and would not in anyway solve the problem Mr. Koskey solved with his invention of a truncated semicircle heated pet mat. As a layperson, skilled in this art, I cannot see how Stanfield is at all relevant to Mr. Koskey's invention.

10. In my professional opinion, Mr. Koskey's Igloo-Style Heated Pad is a very innovative solution. It is clearly the sort of invention the patent system was designed to protect. If inventions like Mr. Koskey's Igloo-Style Heated Pad do not receive the protection of our patent laws, then US economy will suffer.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent, declares that he is properly authorized to execute this Statement of Use on behalf of the applicant; he believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/service mark is now in use in commerce; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

SEPTEMBER 3, 2008
Date

513-671-5588
Telephone Number


Signature
CURTIS P. OLVEY PRESIDENT
Print or Type Name and Position